IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO. 28 OF 2006

IN

WRIT PETITION NO. 8790 OF 2005

Mr. SADASHIV S. VAIDYA .. APPELLANT

Versus

MRS. PUSHPALATA S. VAIDYA & ANR.. RESPONDENTS

Mr. Mohan Pillai i/b Ms. Madhavi Pillai for appellant
Mr. R. T. Lalwani for respondents

CORAM:-SMT. RANJANA DESAI &

D.B. BHOSALE, JJ.

DATED:-16/2/2006

P.C.

. Heard learned counsel for parties.

2. Order dated 23/12/05 passed by the learned Single Judge of this court in Writ Petition No. 8790 of 2005 is impugned in this appeal. In our opinion, this appeal cannot be entertained for the simple reason that the order impugned is not a judgment witthin the meaning of clause 15 of the Letters Patent and even otherwise no interference is necessary with it.

3. By the impugned order the learned Single Judge has directed the Family Court to dispose of three applications within a period of three months i.e. on or before 31/3/2006 and a direction is given to the bank not to make payment under the Indian Millenium Bonds to respondent 1 and the bank has been asked to abide by the final orders passed by the Family Court. Obviously, therefore, the appellant can advance all his submissions in the application which this court has directed the Family Court to dispose of within a time frame.

4. It is pertinent to note that out of three applications two applications have been disposed of and in those two applications, the appellant has appeared through his advocate. In the circumstances no interference is necessary. Letters Patent Appeal is disposed of

(SMT. RANJANA DESAI,J.)

(D. B. BHOSALE, J.)